

DOPHE 136
HAZARDOUS MATERIALS

SW/1.1./1376



BOX#

008 SW-8676

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
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**Colorado Department
of Public Health
and Environment**

ADM Conservation Services Inc/CSI 8/18/1999
Solid Waste - Correspondence - General - Denial of concurrence to
Dispose of Incinerator Ash Waste Containing Plutonium from LANL

August 18, 1999

Constance L. Soden, Director
Environmental Health and Safety Division
Department of Energy
Albuquerque Operations Office
P. O. Box 5400
Albuquerque, NM 87185-5400

SW/1.1/1376



SW/1.1/88-04

Re: Denial of Concurrence to Dispose of Incinerator Ash Waste Containing Plutonium from
Los Alamos National Laboratory (LANL), at CSI Landfill, Adams County, Colorado

Dear Ms. Soden:

By letter dated May 17, 1999, you requested the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) to review certain documents and issue a letter of acceptability that would allow disposal of the material in question at the Conservation Services, Inc. (CSI) landfill in Adams County, Colorado. The documents are entitled "Proposal to Dispose of Remediation Waste Generated during the Cleanup of the LANL Solid Waste Management Unit 73-002 Incinerator Ash Pile at the CSI Landfill in Adams County, Colorado" dated April 8, 1999, prepared by AQ Safety, Inc., and "Response to Questions from the Colorado Department of Public Health and Environment Pertaining to Incinerator Ash Waste from Technical Area 73" dated June 23, 1999, prepared by LANL. The request concerns a proposal to dispose at the CSI solid waste landfill in Adams County, Colorado, approximately 4000 cubic yards of incinerator ash containing radioactive substances, and in particular Plutonium, substantially above background levels.

Solid waste disposal operations in Colorado are regulated under the Solid Waste Disposal Sites and Facilities Act (the "Act"), Title 30, Article 20, Part 1, C.R.S. Section 110(c) of the Act provides that "no radioactive materials or materials contaminated by radioactive substances shall be disposed of in sites or facilities not specifically designated for that purpose." Because CSI has not been specifically designated to accept radioactive materials or materials contaminated by radioactive substances, the Department denies your request to dispose of the subject material at the CSI landfill.

Constance L. Soden, Director
August 18, 1999
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Although the subject material may not be classified as low-level waste, nor subject to specific generator licensing requirements, the Department has determined that due to the elevated levels of radioactivity, and especially for Plutonium, this material would have to be disposed at a facility that has a license issued under Part 14 of the *Rules and Regulations Pertaining to Radiation Control* for the State of Colorado. At this time there is no facility in Colorado licensed to receive and dispose of the subject material.

Should you have any questions, I may be reached at (303) 692-3455.

Sincerely,



J. Peter Laux
Geologist
Solid Waste Unit
Compliance Program

cc: Board of County Commissioners, Adams County
Craig Tessmer, Adams County Planning
Bruce Wilson, Tri-County Health Department
Bob Quillin/Tom Pentecost, CDPHE-LARS
Chuck Reilley, WM-CSI
Monica Sheets, AGO

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